



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,984	06/24/2003	Henri-Nicolas Olivier	28944/40071	2033

29471 7590 01/31/2006

MCCRACKEN & FRANK LLP  
200 W. ADAMS STREET  
SUITE 2150  
CHICAGO, IL 60606

EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT PAPER NUMBER

2686

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/602,984	Applicant(s) OLIVIER ET AL.	
	Examiner Naghmeh Mehrpour	Art Unit 2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 19 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/19/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### Information Disclosure Statement

1. The information disclosure statement filed reference listed in the information Disclosure Submitted on 10/19/05 have been considered by the examiner (see attached PTO-1449

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 6-7, 11, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagase (Publication Number 2002/0037751 A1) in view of Okiebisu (US Patent 6,707,924) and in further view of Jambie et al. (US Publication 2002/0142738).

Regarding claims 1, 11, Nagase teaches a portable radiotelephone comprising:

a central processing unit 15 (0035),

a transmit and receive radio circuit connected to at least one antenna (0026),

microphone 7 (0025),

a front face **including speaker** (0027);

an upper **edge** substantially perpendicular the front face, **the upper edge including a microphone that is oriented upwards** (0025);

Art Unit: 2686

a keypad that comprises at least one key (0044); and

the microphone emerging above the speaker in the rest position, the central processing unit being adapted to:

on receiving incoming call, establish bidirectional communication when user presses key (0026);

Nagase fails to teach a necklace designed for placing around the neck of the user, the said necklace being fixed to the portable radiotelephone such a way that the said portable radiotelephone positions itself automatically by gravity **in a rest position when the necklace is place around the neck of the user**, the microphone emerging above the speaker in the rest position, the central processing unit being adapted to:

on receiving incoming call, establish bidirectional communication when user presses the multifunction key; and

when the user presses the multifunction key when there incoming call, least one predetermined telephone address;

Okiebisu teaches a necklace designed for placing around the neck of the user (col 3 lines 6-23);

the said necklace being fixed to the portable radiotelephone such a way that the said portable radiotelephone positions itself automatically by gravity **in a rest position when the necklace is place around the neck of the user (col 3 lines 6-23);-** and

**wherein the microphone and the speaker are adapted so that the user may use the radiotelephone for a bidirectional communication without moving the radiotelephone from the rest position when the radiotelephone is worn around**

**the neck of the user** (col 3 lines 6-41). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Okiebisu with Nagase, in order to provide alerting the user silently.

Nagase modified by Okiebisu fails to teach when the user presses the multifunction key when there is no incoming call, least one predetermined telephone address. However, Jambie teaches the multifunction key (0025). Jambie inherently teaches when there is no incoming call, the user presses the multifunction key to call a predetermined telephone address (0056-0057). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Jambie with Nagase modified by Okiebisu, in order to enable the user to dial a combination of alphanumeric characters, notably a telephone number.

Regarding claim 2, Nagase teaches a radiotelephone according to Claim 1, which the central processing unit is adapted to sequentially and cyclically call several telephone addresses belonging a predetermined list, until a communication established with one of these telephone addresses, when the user presses the multifunction key when there is no incoming call. Nagase modified by Okiebisu fails to teach when the user presses the multifunction key when there is no incoming call, least one predetermined telephone address. However, Jambie teaches the multifunction key (0025). Jambie inherently teaches when there is no incoming call, the user presses the multifunction key to call a predetermined telephone address (0056-0057). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above

teaching of Jambie with Nagase modified by Okiebisu, in order to enable the user to dial a combination of alphanumeric characters, notably a telephone number.

Regarding claim 5, Nagase modified by Okiebisu fails to teach a radiotelephone according claim which the central processing adapted interrupt an established communication or an in-progress call when the user presses the multifunction key for a duration greater than predetermined duration, the said predetermined duration being at least equal. However, Jambie teaches a radiotelephone according claim which the central processing adapted interrupt an established communication or an in-progress call when the user presses the multifunction key for a duration greater than predetermined duration, the said predetermined duration being at least equal (0035). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Jambie with Nagase modified by Okiebisu, in order to enable the user to dial a combination of alphanumeric characters, notably a telephone number.

Regarding claims 6-7, Nagase modified by Okiebisu fails to teach a radiotelephone according claim 1, which the front face includes the multifunction key, the keypad not including any other key arranged on the said front face. However, Jambie teaches the multifunction key (0025). Jambie inherently teaches when there is no incoming call, the user presses the multifunction key to call a predetermined telephone address (0056-0057). Therefore, it would have been obvious to ordinary skill in the art at the time the

invention was made to combine the above teaching of Jambie with Nagase modified by Okiebisu, in order to enable the user to dial a combination of alphanumeric characters, notably a telephone number. The Examiner takes official notice that a radiotelephone which the front face includes the multifunction key, the keypad not including any other key arranged on the said front face is a design choice. Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching with Nagase modified by Okiebisu and Jambie, in order to provide a mobile phone with different design that would be desirable for different user with different taste.

Regarding claim 7, Nagase modified by Okiebisu and Jambie fails teaches a radiotelephone comprising a rear face, on the side opposite the front face, this rear face comprising additional keys belonging the keypad, which additional keys designed to allow a user to dial a telephone number of his choice. However, The Examiner takes official notice that a radiotelephone which a rear face, on the side opposite the front face, this rear face comprising additional keys belonging the keypad, which additional keys designed to allow a user to dial a telephone number of his choice, is well known in the art, and is design choice. Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching with Nagase modified by Okiebisu and Jambie, in order to provide a mobile phone with different design that would be desirable for different user with different taste.

Art Unit: 2686

Regarding claim 8, Nagase modified by Okiebisu and Jambie fails to teach a radiotelephone according to claim 1, taking the form of a medallion. However, the examiner takes official notice that a radiotelephone taking the form of a medallion is well known in the art. Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching with Nagase modified by Okiebisu and Jambie, in order to provide different variety and shapes for the cellular phone users.

Regarding claim 13, Nagase inherently teaches radio communication system comprising portable radiotelephone according to claim and base station connected public network and communicating wireless link with the said portable radiotelephone (0026).

4. Claims 3-5, are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagase (Publication Number 2002/0037751 A1) and Okiebisu (US Patent 6,707,924) and in view of Jambie et al. (US Publication 2002/0142738) in further view of Malik (US patent 6,574,324 B1).

Regarding claim 3, Nagase modified by Okiebisu and Jambie fails to teach portable radiotelephone according to Claim which central processing unit adapted automatically call back a telephone address of the said predetermined list when the central processing called this telephone address after operation of multifunction key and when



Art Unit: 2686

this telephone address was busy. However, Malik teaches portable radiotelephone which central processing unit adapted automatically call back a telephone address of the said predetermined list when the central processing called this telephone address after operation of multifunction key and when this telephone address was busy (col 2 lines 24-59). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Malik with Nagase modified by Okiebisu and Jambie, in order to enable the user not pay the additional surcharges normally associated with traditional collect calling services.

Regarding claim 4, Nagase modified by Okiebisu, Jambie and Malik does not specifically mention that the radiotelephone which the predetermined list of telephone addresses comprises number of telephone addresses the central processing unit is adapted to call a telephone address of position  $k$  the said list when the user presses the multifunction key  $p$  times, where  $p=k$  module. However, a radiotelephone which the predetermined list of telephone addresses comprises number of telephone addresses the central processing unit is adapted to call a telephone address of position  $k$  the said list when the user presses the multifunction key  $p$  times, where  $p=k$  module, is well known in the art. Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching with Nagase modified by Okiebisu, Jambie and Malik, in order to enable the user not pay the additional surcharges normally associated with traditional collect calling services.

5. Claim 9, is rejected under 35 U.S.C. 103(a) as being unpatentable over Nagase Publication Number 20020037751 A1) and Okiebisu (US Patent 6,707,924) and in view of Jambie et al. (US Publication 2002/0142738) in further view of Mauney et al. (US publication 2005/0032475 A1).

Regarding claim 9, Nagase modified by Okiebisu and Jambie fails to teach a radiotelephone according to claim 1, which the central processing unit is adapted recognize least certain incoming calls, referred as telemonitoring calls, from at least one predetermined telephone address, and when the central processing identifies a telemonitoring call, automatically establish communication with this predetermined telephone address without notifying the user. However, Manuney teaches a radiotelephone according to claim 1, which the central processing unit is adapted recognize least certain incoming calls, referred as telemonitoring calls, from at least one predetermined telephone address, and when the central processing identifies a telemonitoring call, automatically establish communication with this predetermined telephone address without notifying the user (page 15 table 1, page 28 section 0352). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Mauney with Nagase modified by Okiebisu and Jambie, in order to permit handsets and other objects exchange information by wireless transmission.

Art Unit: 2686

6. Claim 10, is rejected under 35 U.S.C. 103(a) as being unpatentable over Nagase ( Publication Number 2002/0037751 A1 ) , Okiebisu (US Patent 6,707,924) and in view of Jambie et al. (US Publication 2002/0142738) in further view of Cronin et al. (US patent 5,995,589).

Regarding claim 10, Nagase modified by Okiebisu and Jambie fails to teach a radiotelephone according to Claim central processing unit adapted in which the activate the microphone and keep the speaker deactivated when the said central processing unit automatically activates communication after a telemonitoring call. However, Cronin teaches a radiotelephone according to Claim central processing unit adapted in which the activate the microphone and keep the speaker deactivated when the said central processing unit automatically activates communication after a telemonitoring call (col 2 lines 32-51). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Wood with Nagase modified by Okiebisu and Jambie , in order to provide useful apparatus which let the user know when the battery should be recharged.

7. Claims 12, 14-15, are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagase (publication Number 2002/0037751 A1), Okiebisu (US Patent 6,707,924) and in view of Jambie et al. (US Publication 2002/0142738) and in further in view of Woods et al. (US publication 2003/0114899 A1).

Art Unit: 2686

Regarding claim 12, Nagase modified by Okiebisu and Jambie fails to teach a radiotelephone according to claim comprising an independent electrical power source and in which the central processing unit is adapted measure charge level the said power source and to send a warning message to a predetermined address when the charge level. However, Woods teaches a radiotelephone according to claim comprising an independent electrical power source and in which the central processing unit is adapted measure charge level the said power source and to send a warning message to a predetermined address when the charge level falls below a predefined level (page section 0019). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Wood with Nagase modified by Okiebisu and Jambie, in order to provide useful apparatus which let the user know when the battery should be recharged.

Regarding claim 14, Nagase modified by Okiebisu and Jambie fails to teach a radio communication system according to Claim which the portable radiotelephone includes an independent electrical power source and the central processing the radiotelephone adapted measure charge level of the said power source and communicate the charge level to the base station, the base station being designed memorize the said charge level and transmit a predetermined telephone address. However, Woods a radio communication system according to Claim which the portable radiotelephone includes an independent electrical power source and the central processing the radiotelephone adapted measure charge level of the said power source and communicate the charge

level to the base station, the base station being designed memorize the said charge level and transmit a predetermined telephone address (page section 0019). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Wood with Nagase modified by Okiebisu and Jambie, in order to provide useful apparatus which let the user know when the battery should be recharged.

Regarding claim 15, Nagase modified by Okiebisu and Jambie fails to teach a radio communication system according to Claim 13, which the base station is designed memorize periods during which stops being in communication with portable radiotelephone, and to communicate these periods to a predetermined telephone address. However, Woods teaches a radio communication system which the base station is designed memorize periods during which stops being in communication with portable radiotelephone, and to communicate these periods to a predetermined telephone address. Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Wood with Nagase modified by Okiebisu and Jambie, in order to provide useful apparatus which let the user know when the battery should be recharged.

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new grounds of rejection.

**Conclusion**

**9. Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

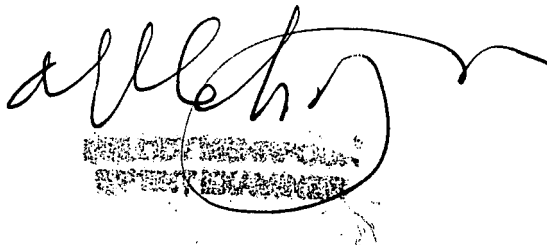
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

January 23, 2006

A handwritten signature in black ink, appearing to read 'alleh', is written over a circular official stamp. The stamp contains some illegible text and a central emblem.